

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF ALABAMA
 SOUTHERN DIVISION

98 SEP 28 AM 9:46
 U.S. DISTRICT COURT
 N.D. OF ALABAMA

CLAYTON HAMILTON HOLMES,)
)
 Plaintiff,)
)
 vs.) CV 97-P-3239-S
)
 MARY BUCKELEW, SHERIFF JIM)
 WOODWARD, and MAJOR LINN)
 MOORE,)
)
 Defendants.)

SEP 28 1998

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 28, 1998, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this the 28th day of Sept., 1998.


 SAM C. POINTER, JR.
 UNITED STATES DISTRICT JUDGE

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